

STATE OF MICHIGAN  
COURT OF APPEALS

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JAMES DEE SHINN,

Plaintiff-Appellant,

v

KELLIE MARIE SHINN,

Defendant-Appellee.

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UNPUBLISHED

June 10, 2010

No. 295483

Allegan Circuit Court

LC No. 07-042550-DM

Before: OWENS, P.J., and O'CONNELL and TALBOT, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order awarding defendant physical custody of the parties' minor child. We affirm.

Plaintiff initially asserts that the trial court committed misconduct by suppressing relevant evidence. However, plaintiff's brief on appeal is cursory and conclusory and fails to adequately develop his argument or provide relevant record citations to identify the evidence purportedly precluded by the trial court or to elucidate how such evidence was admissible pursuant to the Michigan Rules of Evidence. Plaintiff also fails to cite to any relevant legal authority in support of his position. "An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give issues cursory treatment with little or no citation of supporting authority." *Houghton v Keller*, 256 Mich App 336, 339; 662 NW2d 854 (2003). Plaintiff's failure to "properly address the merits of his assertion of error constitutes abandonment of the issue." *Id.* at 339-340. See also, *Newton v West*, 262 Mich App 434, 437 n 2; 686 NW2d 491 (2004).

Plaintiff also contends that the trial court committed misconduct when it permitted opposing counsel to view "evidences that [were] allegedly sealed, which were not viewed by [plaintiff]." Plaintiff's claim arises from a psychological report and letter that were sealed from public inspection by the trial court. Contrary to his position on appeal, plaintiff agreed in the trial court to the admission of the psychological report and letter into evidence and the provision of copies to defendant's counsel. When offered the opportunity to peruse these documents by the trial court before their admission, plaintiff declined. Hence, the trial court's indication that it would seal the report and letter was only to preclude public access and was not intended to restrict dissemination to the parties involved in this litigation. "A party is not allowed to assign as error on appeal something which [he] . . . deemed proper at trial since to do so would permit the party to harbor error as an appellate parachute." *Hilgendorf v St John Hosp*, 245 Mich App

670, 683; 630 NW2d 356(2001), quoting *Dresselhouse v Chrysler Corp*, 177 Mich App 470, 477; 442 NW2d 705 (1989). Because plaintiff acquiesced to the admission of these documents and their distribution to defendant, he cannot now assert error by the trial court. “Error requiring reversal cannot be error to which the aggrieved party contributed by plan or negligence.” *Phinney v Verbrugge*, 222 Mich App 513, 537; 564 NW2d 532 (1997).

Finally, plaintiff contends that the trial court violated his and the minor child’s civil rights when it “withheld proofs and evidences.” Once again, plaintiff fails to provide supporting citations to the lower court record demonstrating any refusal by the trial court to admit evidence that was in conformance with the Michigan Rules of Evidence or any applicable authority to support his assertion that the trial court improperly excluded evidence. These failures constitute an abandonment of this issue precluding our review. *Houghton*, 256 Mich App at 339-340.

Affirmed.

/s/ Donald S. Owens  
/s/ Peter D. O’Connell  
/s/ Michael J. Talbot